



Meander Valley Council
Working Together

ORDINARY MINUTES

COUNCIL MEETING

Tuesday 12 November 2019

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Minutes of the Ordinary Meeting of the Meander Valley Council held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 12 November 2019 at 4.07pm.

PRESENT

Mayor Wayne Johnston, Councillors Susie Bower, Stephanie Cameron, Tanya King, Frank Nott, Andrew Sherriff, Rodney Synfield and John Temple

LEAVE OF ABSENCE

Deputy-Mayor Michael Kelly

IN ATTENDANCE

Jonathan Harmey, Acting General Manager
Merrilyn Young, Executive Assistant
Dino De Paoli, Director Infrastructure Services
Matthew Millwood, Director Works
Lynette While, Director Community & Development Services
Justin Marshall, Acting Director Corporate Services
Leanne Rabjohns, Town Planner
Natasha Whiteley, Town Planner
Krista Palfreyman, Co-ordinator Development Services
Marianne MacDonald, Communications Officer

189/2019 CONFIRMATION OF MINUTES

Councillor Nott moved and Councillor Sherriff seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 8 October 2019, be received and confirmed.”***

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

190/2019 COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING

Date	Items discussed:
22 October 2019	<ul style="list-style-type: none">• Media Consultant• Northern Prison Announcement Outcomes• Community Forum• Community Plan 2020-30• Business database and online directory• Request for Signage – Meander Valley Netball Association/Deloraine Devils Netball Club• TasWater Trade Waste Policy Direction• Stringfest Event support request• Federal Funding for Priority Projects & Deloraine Squash Courts• Sale of Council Property• Disability Accessible Bus Stop – Emu Bay Road, Deloraine• RV Planning Application Representations and management• Deloraine pump track project and budget.

191/2019 ANNOUNCEMENTS BY THE MAYOR:

15 October 2019

Guest Speaker – Combined Probus, Deloraine

24 October 2019

TEER Celebration

Meander Valley Combined Staff Meeting

25 October 2019

Westbury Primary 180 Celebrations

1 November 2019

Meeting with John Tucker

4 meetings with Westbury Residents regarding proposed Northern Prison

6 November 2019

NTDC Annual General Meeting

9 November 2019

Westbury Show

11 November 2019

Remembrance Day

192/2019 ANNOUNCEMENTS BY COUNCILLORS

Cr Susie Bower

- 25 October - 180 years of Westbury Primary School 180 celebrations
- 2 November – Tasmanian Craft Fair Premiers Award Dinner
- 5 November – Carrick Hall Committee meeting with Cr Frank Nott
- 6 November – Guest Speaker at Westbury Rotary Club
- 9 November – Westbury Show

Acknowledged the passing of Mrs Phyliss Ingamells, a proud Westbury resident.

Cr Stephanie Cameron

Congratulations to the staff and students of the Westbury 180 Festival held on 25 October. They celebrated 180 years of education in Westbury, and I would particularly like to thank Layla Shepherd and Tyson Anderson who took me on a school and were very professional and well-mannered young people.

Cr Frank Nott

I represented the Mayor at the launch of the National Transplant Games for 2020 at the Gorge on Friday 8 November.

These Games will be held in Launceston with some sports and activities to be held in our Municipality...at the Country Club....the golf competition.

One organ donor can save and improve the lives of as many as 7 people. Tasmania has the 2nd best % in donor registration with 48% of Tasmanians registered.

In 2018 554 Australians donated organs for 1544 transplants, with 14 from Tasmania!

The Games will start on September 27 and 1000 people are expected to attend as participants and families.

193/2019 DECLARATIONS OF INTEREST:

201/2019 Cr Andrew Sherriff - Request for Signage – Meander Valley Netball Association and Deloraine Devils Netball Club

194/2019 TABLING AND ACTION ON PETITIONS:

Petition 1

“LET’S KEEP 35 WILLIAM STREET (next to the Library and Fire Station) IN PUBLIC OWNERSHIP WHILST THE COMMUNITY OF WESTBURY DEVELOPS FUTURE COMMUNITY SERVICES”

This petition is only non-compliant due to the lack of a statement specifying the number of signatories. It is largely compliant and has been tabled on this basis. The petition included 138 signatories.

Action

The requested action from the petition is that “We urge Councillors to retain the property at 35 William Street so that future use for development of community services can be determined”.

While Council will consider offering two properties for sale at the November 2019 meeting, Council’s property at 35 William Street, Westbury, has been removed from consideration for sale.

Petition 2

“Installation of fenced dog park - Hadspen”

This petition is only non-compliant due to the lack of a statement specifying the number of signatories. It is largely compliant and has been tabled on this basis. The petition included 65 signatories.

Action

The requested action from the petition is that “Residents of Hadspen be provided with a fenced dog park area. With requests for consideration, to be given, to installing on vacant land behind skate park”.

Council officers will provide elected members with a proposed project to be considered in the 2020-21 capital works program budget deliberations. The options for the fenced dog run proposed project are to include, as a minimum, Council’s current dog run area along the riverbank between Browne and Foote Streets, and land on the Hadspen bull run skate park property.

Petition 3

"We oppose the construction of a new prison so close to Westbury"

This petition is compliant with the requirements of the *Local Government Act 1993*. The petition included 695 signatories.

Action

While there is not a specific action requested of Council in the petition the purpose is a clear opposition to the State Government's preferred site for their Northern Prison project, being the Valley Central industrial area, north of Westbury. The petition will be provided to the State Government to be included in the community consultation process currently being undertaken by the State Government.

195/2019 PUBLIC QUESTION TIME

1. PUBLIC QUESTIONS TAKEN ON NOTICE – OCTOBER 2019

Nil

2. PUBLIC QUESTIONS WITH NOTICE – NOVEMBER 2019

2.1 Linda Poulton, Westbury:

- a) Will the Council give the community its assurance that it will not prepare/pass a motion under section 40D of the Land Use Planning and Approvals Act 1993 (LUPAA) to prepare a draft amendment of the Local Planning Scheme to facilitate or implement/allow the rezoning of the Birralee Road site to allow a prison to be built there?

Response by Jonathan Harmey, Acting General Manager

No, Council will not provide assurance with regard to specific sections of the LUPAA particularly given Council has not received a development application to assess at this time. Council has a requirement to assess any application received against the legislative requirements relating to that application. If Council were to receive an application from the State Government for the preferred site at Birralee Road, Council acting as a planning authority is obliged to consider the application against the provisions of LUPAA as they stand at that time.

Amendments to the LUPAA, to establish the Tasmanian Planning Scheme, were gazetted on 17 December 2015. The State Planning Provisions have been made by the Minister and came into effect on 2 March 2017, however the provisions

of the Tasmanian Planning Scheme do not come into operational effect until such time as Council completes its Local Provisions Schedule and the Minister makes the planning scheme. In the interim, the process for the consideration of planning scheme amendments continues in accordance with LUPAA as it was written prior to the 17 December 2015. These provisions are defined as the 'former provisions' in Schedule 6 - Savings and Transitional Provisions in the amended LUPAA. These provisions are expected to apply if an application for a planning scheme amendment were to be lodged.

- b) Will the Council commit to holding a public meeting to gauge community attitudes to the proposed siting of the prison at Birralee Road and if so when?

Response by Jonathan Harmey, Acting General Manager

Council does not have a public meeting planned in relation to the State Government's announcement of the preferred site for the Northern Prison project. The State Government are currently undertaking community consultation for their project, we are encouraging all community views to be provided through the State Government's advertised contact points. We do not believe that the State Government has a public meeting planned as part of their community consultation. If an application is received from the State Government to facilitate a Northern Prison development, Council will consider the form of public involvement to assist and inform any decision whether to certify a planning scheme amendment, and advertise a statutory notice period. This may, or may not, involve a public meeting.

2.2 Gina Poulton, Westbury:

- a) Will the Council give its assurance that no rate payers' funds will be expended on the "fact finding mission" which has been proposed by the State Government?

Response by Jonathan Harmey, Acting General Manager

There have been some suggestions made around a potential tour of correctional facilities in other States. We have no details of what this could look like and Council has not provided a commitment to participate in any tour at this stage. Council is mindful of using public funds in an efficient manner.

- b) Please identify the people within Council who have been elected, or who will put their hand up to be elected, to go on the fact finding mission.

Response by Jonathan Harmey, Acting General Manager
Council has not provided a commitment to participate in a tour. No Council representatives have been nominated to attend at this stage.

2.3 Martin Hamilton, Westbury:

- a) If Meander Valley Council agrees to work with the State Government announced "fact finding" trip to prisons on the mainland, will you ask the State Government to send the delegates to view the Kempsey prison in N.S.W., which the Department of Justice cite on their FAQ page as proof the proposed prison will not negatively impact Westbury, to learn how this was achieved, and the Don Dale Youth Detention Centre in N.T., that is positioned adjacent to an adult prison, to see how the N.T. Government overcame the U.N. guidelines, commonly referred to as article 37(c)?

Response by Jonathan Harmey, Acting General Manager
Council has not agreed to participate in a tour of correctional facilities at this stage. Council will form its own view on future investigations required to inform its decision on any application made by the State Government. If a Council tour is deemed necessary, we could consider Kempsey and Don Dale as potential sites.

- b) If M.V.C agree to work with the State Government on these "fact finding" trips, will you develop an independent consultation process, both before and after the trip, so that members of the community can anonymously submit questions for the delegates to ask at each prison site, and then disseminate the information directly to the community on their return, without having to disseminate the information through the consultancy firm contracted by the State Government?

Response: Jonathan Harmey
If a tour was to eventuate, and Council representatives were involved, Council would need to establish the purpose for the tour and how the information gathered would be provided to the community.

2.4 Peter Wileman, Westbury:

- a) Is Westbury a town or a village, as in 'village green'? Which source is used to provide the definition? Attached are some definitions that suggest that Westbury is a village, and therefore should officially be referred to as 'the village of Westbury' or 'Westbury village'.

Response by Beth Williams, Administration Officer

Officially, according to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) Placenames Tasmania, Westbury as a Feature Type is identified as a Town and not a Village. Westbury was proclaimed 'Town of Westbury', gazetted or proclaimed on 3 July 1866. Before this, it was identified as the Municipality of Westbury. The Town was also proclaimed under the Local Government Act 1962.

The 'Westbury Village Green' is a placename for Westbury's recreational park. It is a Village Green, of which apparently there are other village greens within the state, and it therefore provides no official linkage to Westbury being identified as a Village.

- b) I understand that Council denied permission for a barbeque to be installed on the village green by Rotary. Will Council reiterate the reasons for denying permission?

Response by Matthew Millwood, Director Works

The Westbury village green is owned by the Meander Valley Council. It is provided to the community for a range of services including passive recreation as a parkland and a children's playground. As the owner, Council would be responsible for construction on the land.

Council has not denied permission for a barbeque to be installed on the Westbury Village Green. Council did receive a written request from the Rotary Club of Westbury proposing this type of installation on the Village Green, however the subsequent informal enquiry to a Heritage Tasmania officer indicated that the structure was unlikely to be approved unless located north of Lonsdale Lane. This location is considered by Council officers to be less suitable due to the distance from the playground and Town Common. A Council officer did offer to meet with a club representative to further discuss the matter.

2.5 Helen Hutchinson, Western Creek:

- a) The Darebin Council declared a Climate Emergency in 2016 and has since prepared a Climate Emergency Plan. I congratulate the Meander Valley Council on the implementation of various ways to cut down on energy costs in the municipality (reducing the energy costs related to street lighting and an energy audit of the Council buildings), including the installation of an EV charging unit.

However the big challenge still remains that carbon and other greenhouse gas emissions must be taken to zero as soon as possible, and our communities have to be prepared for the shocks that climate change will bring.

Will the Meander Valley Council act on the items in the Darebin Climate Emergency Plan to protect the residents of Meander Valley by producing a similar action plan for the Meander Valley and make this available on the Meander Valley web pages?

Response by Jonathan Harmey, Acting General Manager

It is agreed that Council has implemented some changes to reduce our environmental impact, the replacement of street lighting bulbs to energy efficient LED bulbs was quite a large project. Darebin Council is located in Melbourne, Victoria, with a population of 161,609 (ABS ERP 2018) and an annual operating expenditure of \$160,687,000 (2018 financial year). It is pleasing to see the initiatives that they have committed to and the resources their community have been able to provide to those actions. Meander Valley Council will not be adopting the actions in the Darebin Climate Emergency Plan at this time, we do not have the employee base or approved operating budget to undertake these services.

- b) The MVC at its last meeting approved a budget variation of \$625,000 for ground upgrades to the Prospect Vale Park following a recommendation that the grounds upgrade be deferred. It appears that the grounds for deferment were to put this money into Council funds for an unspecified reason.

After inspecting the photos of the Park on Google it does not appear that ground upgrades for this amount are necessary at this point and indeed, that the funds *could* be deferred.

Is there any reason why these funds could not be transferred to a Council budget line item that prepared for climate emergencies such as either out of season flooding or very severe bushfires, and if not, what is so compelling about the upgrade that this urgent alternative council not be satisfied?

Response by Jonathan Harmey, Acting General Manager

Council approved the Prospect Vale Park development plan in 2012. This included a number of projects to develop the area to maximise the use and maximise the potential of the facility. Many of the actions have now been completed and there are a smaller number still to be undertaken. Upgrades to

grounds 2, 3 and 4 were included in the plan to provide improved drainage, irrigation and resurfacing. These works are still required to be completed. The improvements will ensure a quality surface for all users, all year round. There are times when Council is forced to close the grounds and this will be reduced with improved facilities. The grounds currently require manual watering systems which means Council employees are required to set up sprinklers to water grounds, at times even on weekends. An automated system is considered to be a more efficient use of Council resources in the future.

There were a number of reasons why this project was deferred from our existing capital works program through to 30 June 2020. It is anticipated that the project will now occur in the 2020-21 financial year, subject to Council approval, and we are exploring grant opportunities to keep the cost to the community at a minimum.

Any decision to approve a new budget for an external business to complete work on 'out of season flooding' or 'very severe bushfires' would require a decision by Council. Each year Council balances the services it will be providing to the community and the cost of providing those services in our annual budget estimates. Council is not in a position to fund every request from the community and the State Government or Federal Government may be better placed to provide the services listed in the question.

2.6 Ann-Marie Loader, Westbury

Should the State Government apply to rezone the Proposed Prison site on Birralee Road to become a Particular Purpose Zone, will Council commission their own independent Socio-Economic Impact statement on the likely outcomes of a Prison on that location? If so will the Council commit to transparency in regard to the scope & methodology of the Socio-Economic Impact statement?

Response by Jonathan Harmey, Acting General Manager

Should the State Government apply to rezone the Proposed Prison site on Birralee Road to become a Particular Purpose Zone, a report on the social and economic matters effects and a report on how the environmental impacts will be managed, are required. These reports would involve a substantial amount of detail. If an application is received, Council will review all information provided and make an assessment at that time on any additional information that it needs in order to make a fully informed decision. This may, or may not, include additional external reports such as the one noted in the question. Council will certainly undertake a transparent process and provide the community members with information relating to any application received.

2.7 Nancy McLeod, Westbury

Prior to 30 August 2018, the Council advised the Minister for Planning that the Council did not want the Birralea Road Industrial Area Specific Area Plan to be subject to the transitional provisions under Schedule 6 clause 8 of the Land Use Planning and Approvals Act. Why did the Council give this advice to the Minister for Planning?

Response by Jo Oliver, Strategic Town Planner

This was part of a process of development of Council's Local Provisions Schedule and was negotiated with the Tasmanian Planning Commission and Tasfire in regard to the limitations on making changes to provisions if the SAP were to 'transition' under Schedule 6 of LUPAA. The discussion relating to the Birralea Road SAP and the issues with some of the applying provisions is included in Council's Supporting Report to its LPS at page 67, which was endorsed by Council and forwarded to the Commission when it formally submitted its LPS in December 2017. That report, and the Minister's declaration of transitioning provisions, were part of the publicly notified package of documents for Council's LPS and are still available for viewing on Council's website through the 'Draft Meander Valley Local Provisions Schedule & Associated Documents' page (<https://www.meander.tas.gov.au/draft-meander-valley-local-provisions-schedule>).

3. PUBLIC QUESTIONS WITHOUT NOTICE – NOVEMBER 2019

3.1 Helen Hutchinson, Western Creek

I find that the Meander Valley Council area has a population of approximately 19,713. I have submitted to the General Manager a list of 11 Councils in Australia which have committed to a Climate Emergency Declaration, with populations ranging from less than 18,000 to 5,845. It is apparent that size bears no relation to a commitment to protect local government population from the risks associated with global heating, but rather a desire to protect and prepare their various communities for the conditions they will have to face.

One of the actions that several Australian councils have committed to, in addition to declaring a climate emergency, is for the Mayor, or Council leader, to convey the climate emergency message to State and Federal government leaders and lobby for those governments to take a stronger position on factors contributing to climate change.

Will the Meander Valley Council commit to do this and to create a climate emergency action plan for the Meander Valley, even if this means the deferral of some other less urgent items?

Response by Jonathan Harmey, Acting General Manager

Council cannot provide that commitment today, however, we will review the information you have provided to us and Councillors will discuss those at a future workshop and consider what action they deem appropriate for our community.

3.2 Don Scott, Hagley

As Westbury is the preferred site the Government will come to Council with a planning proposal, I hope not. The Government have a PAL Policy which means protecting agricultural land. Will Council adopt this Policy or sweep it under the carpet like the Government have?

Response by Jo Oliver, Senior Strategic Planner

The State Government does have a policy on the protection of agricultural land and it's a requirement for any application made for a change to the Planning Scheme that that policy has to be addressed in detail. Any applicant, Government or otherwise, must be able to demonstrate compliance with the principles of that Policy. When the Government lodges its anticipated application for its rezoning to facilitate the prison, we will expect a comprehensive analysis of that Policy to be in that application.

Council will have to turn its mind, as to whether or not, as a Planning Authority, it considers the proposal is in compliance with that Policy as well.

3.3 Fred Baker, Westbury

I refer to a letter from my wife and myself to all Councillors, dated October 25, which I hand delivered to Council. We'd had no response at all until yesterday, 11 November. It appears our letter has not been passed onto Councillors. We have had, as of yesterday, a visit from Councillor King and phone contact with Councillor Synfield.

As our letter has not been responded to by the majority of Councillors, I am asking for a commitment to come and visit Mary and myself, as per the written invitation, to see first-hand the direct impact the proposed prison would have on us.

Response by Jonathan Harmey, Acting General Manager

I am happy to facilitate a meeting if the elected members would like to visit on-site. Each Councillor may also consider their position to meet with Fred and Mary.

3.4 Chris Donaldson, Westbury

- a) What view does Meander Valley Council have of the likelihood of future expansion of the proposed prison capacity, over and above the 270 inmates, to the extent that a future government will make a Westbury prison, the major, or even the only prison in the State, as Risdon prison is scaled down and reaches its use by date?

Response by Jonathan Harmey, Acting General Manager

Council does not have a formal view on expansion plans as Council have not seen any plans from the State Government around what they intend to do with that preferred site. We expect this to come to Council from a planning perspective and we will make all that information available to the public when it does. With regard to any future expansion we are certainly in the same position as yourself and the rest of the community where we haven't been provided any information

- b) This prison is going to be there for 80-100 years surely the Council can look at least 20, 30 or 40 years ahead on the possibility that this could be the only prison in the State. We are talking about the future of Westbury, not just the next 5 years.

3.5 Di Robinson, Westbury

Whilst there have been some amazing letters written, amazing appeals, rallies, all of the things we have to date, hit the ground running. I go back to something that was written in the Meander Valley Gazette this month and I am really, truly troubled that something as simple as the two questions I am about to ask is where it's all started from, this whole mess, a mess that could have been avoided with some public consultation.

The past GM in the Meander Valley Gazette, November 2019, says "they were approached by the GM and the GM requested and quoted "that he led the EOI process." Councillors have known about the prison and the EOI's since November 2018 but Frank Nott's response last month was "don't blame us, the Councillors, we knew nothing about the EOI process in the October meeting, so my question is –

Can someone please tell us who is telling me the truth here please, because we work in truths?

Response by Councillor Frank Nott

The first I knew of the State Government preferred site was from the launch, I did not know anything about it before that. I knew that there may have been Expressions of Interest but certainly not that it was necessarily coming to Meander Valley, I think it is unfair criticism.

Response by Jonathan Harmey, Acting General Manager

There are two separate instances that are referred to in the question so there is the General Manager facilitating the Expressions of Interest for landowners which occurred in November 2018, and the elected members were advised of that at the time, however, I think that the second point that the question is referring to is the announcement by the State Government on 30 September 2019 and I believe that that is what Cr Nott is referring to when he advised that the last Council meeting that he was not aware that the announcement of the preferred site was going to occur at that property.

3.6 Ian Robson, Westbury

Knowing what you know now "community outrage" – are Council prepared to help us fight against the Statement and have the prison taken far away from Westbury and the Meander Valley?

Response by Mayor Wayne Johnston

We are listening to the views of the Westbury residents and we have to listen to the views of all ratepayers, so you are making the point very well heard and I have to say, in regards to Mr Baker sorry that some of us didn't get back to you but we are trying to respond to emails as they come through, but I can't answer your question straight yes or no answer because it is not a straight yes or no answer. If you had a conversation with a few and I have had good conversations with other members that are sitting here, I won't name them, about the processes going forward and as Jon and Frank have both said we were blindsided to this.

Cr Sherriff, as reported in the Meander Valley Gazette (October 2019), quote "happy to have it (the prison), in Deloraine where I live". I would like to know if this is a personal opinion or the Deloraine community?

Response by Cr Andrew Sherriff

Obviously I can't speak on behalf of the Deloraine community it was a personal opinion of mine. I am an elected member to but I can also, like all of you in this room, have a person opinion on something and I think I am entitled to that. I wouldn't have a problem with the prison being in Deloraine, just like Ashley is in Deloraine and I think a lot of people in Westbury haven't got a problem with the prison being at the Ashley site.

3.7 David Gibson, Westbury

At present I am proud to live in Westbury and I make no secret of the fact that if the prison proceeds I will be disgusted in both the Council and the Government and future generations will highlight its' a major fail.

Is it correct that the Meander Valley Council is moving its works depot to a new location near the proposed prison site, and if so, has the Council conducted a security and hazard analysis on the basis of ensuring that none of the Council's heavy vehicles, tools of trade, fuels, cannot be used by others, not so law-abiding to assist in the breakout of prisoners from the prison or to be used in any way to cause disruption or interference with any prison operations or the operations of other businesses nearby or local residents.

Response by Jonathan Harmey, Acting General Manager

The council is considering relocating our works depots. Council today is considering the purchase of land. We haven't committed to any site in the Municipality, we don't have a contract on any site in the Municipality, but we are certainly exploring options and have had a number of discussions about that at a workshop level. Council provided funding for a purchase of land in May this year, so it is something we are progressing but whether that is at Valley Central or East Deloraine or another area of the Municipality is yet to be determined but it something we are certainly considering.

Your point around security, insurance, tools, fuel and breakout, wherever we go regardless of the location and regardless of the township they are issues that we would have to build into planning of the site, regardless of where it is and my personal feel is whether it is located near a prison or not will have very little bearing on our security concerns. Once Council has a location for our works depot we can make that available to the community and yourself and anyone can raise questions in the future.

3.8 Phil Giles, Westbury

- (a) As representatives of the Meander Valley ratepayers and residents , why would the Council look at a prison for the Municipality without asking the ratepayers position prior to assisting the State government?

Response by Jonathan Harmey, Acting General Manager

There were some questions around this at the last Council meeting and I guess Council's role at the time of the Expression of Interest period in September, October, November 2018, was that the General Manager facilitated contact with private landowners as a conduit to put them in contact with the State Government if they would like to put their property up for the State Government to be included in an Expression of Interest that they could.

- (b) So that is one ratepayer, perhaps, that have their Expression of Interest but it affects the whole ratepayers, every ratepayer. So one person gets precedence over the rest?

Response by Jonathan Harmey, Acting General Manager

I would not say they take precedence over the rest of the community because it is a State Government project and the consultation is occurring at the moment and there are a lot of steps the State Government will need to fulfil if they are going to be successful in building on the proposed site north of Westbury.

- (c) Why would you not come to the residents and ask if you are interested in a prison at the beginning of the process?

Response by Jonathan Harmey, Acting General Manager

Council did not put any public land up so all we were doing were providing that opportunity for individual landowners to put forward their land if they chose to.

3.9 Henry Burrows, Westbury

Has the Council Planning Scheme the capacity to deal with a project of this size and if it was declared a Project of State Significance, which would be overseen by a board of unelected people, whose decision would be un-appealable, what would the Council's view be?

Response by Jonathan Harmey, Acting General Manager

There are significant planning aspects that the State Government is going to have to address and we expect that there would be a substantial planning application if they choose to put one forward.

Response by Jo Oliver, Senior Strategic Planner

The proposal won't be considered under the current Planning Scheme because the State Government is applying for a rezoning for a particular purpose zone to the Planning Scheme, so it is effectively applying for a whole new zone and when you apply for a Particular Purpose Zone that zone contains site specific rules for whatever development you are proposing. All the rules within the current Planning Scheme aren't the determining factors in what a future prison would be assessed against. So it is effectively like a zone you write your own rules to fit the purpose and that goes through a full consultation and assessment process like any other amendment to the Planning Scheme. By no means is it a fait accompli it is going to go through a very extensive process of enquiry.

My understanding is the State Government have categorically put on the table that they will not be applying for a Project of Regional Significance. A project of Regional Significance is an option that is open for a project of this nature. If they were to apply for that process in the future, Council becomes involved when that non-elected panel that's convened under that Act, Council has a right, with other Councils of the northern region, to nominate it representative on that Panel and it has to be an expert in the field so it wouldn't be an elected member. So how Council will feel about that process obviously the Councillors can't make that determination until the process is before them but at the moment what we have before us and what we are going to have before us is an application process that goes through the Planning Scheme amendment processes of LUPA and that will be determined in the first instance by Council's Planning Authority and then potentially, ultimately by the Tasmanian Planning Commission.

At the moment what we are going to be experiencing is a process that is going to come before the Council. Council will be making the first decision and there are many factors that play into that decision in terms of things that need to be considered under the criteria of the legislation and they are very broad, so it is impossible to predict timing because it depends on what we are going to see and we haven't seen anything yet. The Planning Act provides for any person to make an application for an amendment to a Planning Scheme, but the hoops that you have to jump through are significant to demonstrate that that change is warranted and appropriate which is the process we are about to go through.

3.10 Georgia Gee, Westbury

In 2014 a Northern Tasmanian Industrial Land Study was conducted by SGS Economic and Planning. The object of the study was to ensure that there was sufficient, suitable, vacant industrial land to meet the diverse demands of the region over the next 15 – 30 years. Westbury Industrial Precinct was noted as a regional, significant precinct and was intended to accommodate future land demands, export orientated industries and transport warehousing.

What diversity of industry and jobs will be lost from the area if a maximum security prison is built less than 400m over the road from a significant industrial precinct?

Response by Jonathan Harmey, Acting General Manager

It is yet to be determined. We don't have any information, no reporting, other than what we have seen in the community. We don't have a report commissioned by Council ourselves in the last month that is going to give any further evidence to the effect on the surrounding land. It is certainly one of the sentiments that have been expressed in the community.

3.11 Peter Mackenzie, Westbury

In 2010-2011, Council performed infrastructure works at Birralelee Road Industrial Precinct to allow subdivision of the precinct into smaller sub-lots.

Did Council receive TasCorp funds or other funds or support from the State Government or State Department or any other state funding for those works?

Response by Jonathan Harmey, Acting General Manager

During the period 2009-2012 Council acted as a third party to try and assist the landowners in those landholdings in Birralelee Road to develop the Valley Central Industrial Precinct. We arranged the Contractors, did the design and the construction of the infrastructure and the three landowners at that area were then responsible for all of those costs.

Council had a discussion with TasCorp and we didn't borrow any money from TasCorp. We also had a discussion with TasCorp to make sure that the landowners were getting a fair interest rate for any amounts that were outstanding on their infrastructure works that were repayable to Council through that period. In simple terms, the answer is no, Council self-funded for the period in which the landowner was to repay to Council.

3.12 Harvey Gee, Westbury

It's been established that the EOI to landowners was made by the previous General Manager of the Council who interestingly departed two days before the announcement Westbury Council's support of their submission of the EOI.

- (a) Did Council consult with Tas Alkaloids before submitting this EOI? And if not, why not?

Response by Jonathan Harmey, Acting General Manager

The General Manager finished 9 days prior to the State Governments announcement of their preferred site off Birralea Road and at that point Council did not have any advice from the State Government that they were making that announcement and I can confirm that the announcement had no bearing on his decision to leave Council.

No Council personally did not consult with Tas Alkaloids but we did suggest to the State Government that they should contact all the adjoining landowners prior to making an announcement.

- (b) Did Council approve of the then General Manager seeking EOI's from one or two relevant landowners?

Response by Jonathan Harmey, Acting General Manager

There were a number of discussions through that period. It was early September, October and November of 2018 that you are talking about. There was a changeover of Council during that period, so we had a previous Council and then the current Council that you see around the table today. A number of discussions were held with the elected members through that period and I think as we have stated in the last Council Meeting minutes the process that was undertaken. So Councillors were aware that the General Manager had discussed with a number of landowners whether they were interested in submitting their land to the State Government, so they were aware of that process and they were aware and saw the expressions that were submitted by landowners.

3.13 Carol Firth, Westbury

- a) Can Council deny any subsequent communications between Minister Shelton and Council members or employees in which Minister Shelton referred to, identified or suggested the Glen Avon Farm site as a potential site for the prison?

Response by Jonathan Harmey, Acting General Manager

I personally haven't had a discussion with Minister Shelton regarding the Glen Avon Farm site that you mention. The only discussion that I have personally had with Minister Shelton was about 2 weeks ago where he asked how the community was feeling and how the discussion was occurring within the community. I had a brief discussion with him about that. I haven't spoken to him about any specific property.

- b) When he was Minister, because he had previously been Mayor, did he have any communication with anyone at the Council about that property as he would have known of it and know of that fact that it was going to be subdivided or potentially subdivided.

Response by Jonathan Harmey, Acting General Manager

Do you mean when that property was put forward as an Expression of Interest by the landowner?

- c) Yes

Response by Jonathan Harmey, Acting General Manager

No is the answer. There was no discussion with Minister Shelton, that I am aware of, about any particular landowner in the Expression of Interest period, particularly the one you mentioned.

- d) I would just like to remind the Council and the Councillors that you are actually representing the people, the ratepayers, not the State Government.

3.14 Linda Poulton, Westbury

- a) Glen Avon Farms was one of three property owners in the Birralea Industrial Precinct to agree to repay the Council a portion of the infrastructure costs expended by the Council over there. It was envisaged at the time, based on the Part V agreement that I've seen, that repayment

would flow from sale of the smaller lots but none of Glen Avon's lots have been sold.

Has the prospect been raised either within Council or in communications with ANYONE from Council that Glen Avon Farms could potentially repay Council some of the money owed to it from the sale proceeds to the State Government?

Response by Jonathan Harmey, Acting General Manager

In the Part V agreement that you refer to, you would see reasons why those amounts would have to be repaid. You would be aware that sale of land is one of those conditions. No, this hasn't formed part of any of the discussions with Council, but I expect that the landowner must have been or is in discussions with the State Government around the effect of that Part V agreement on their property title.

b) So far we know that Glen Avon Farms owes a debt in the hundreds of thousands to Council which falls due in January 2022. We know at the instigation of the State Government, the General Manager, Martin Gill, approached Glen Avon Farms to encourage them to express interest in selling that site to the State Government;

We know that representatives of the Council were engaged in secret discussions with representatives of the State Government about the proposed site in August 2019;

We know that the Mayor attended the announcement of the Glen Avon site as the preferred site and spoke with enthusiasm on it at that announcement;

We know that Councillor Sherriff in particular has been strident in support of the site;

Does the Council agree that it has utterly compromised its position on this proposal and should therefore not place itself in a position to make any planning decision on this proposal?

Response by Jonathan Harmey, Acting General Manager

No Council hasn't compromised itself and we are being open and transparent. You have used words such as 'secret' that is quite different to being required to sign a confidentiality agreement, to be informed of what the State Government are undertaking.

No the elected members haven't compromised themselves in order to receive a Development Application and make a decision and at that time if the State Government chooses to make a Development Application we will be providing the information to the community in a transparent manner.

3.15 Lisa deLautour, Westbury

Is Council aware that last week that I, independently walked the streets and talked to the people, the businesses, of Westbury I conducted my own survey, finding out what they thought about an impact a prison would bring to their business in Westbury. The results are here in a 5 page document and I will forward a copy to anyone who wants one and I will a hardcopy here. But the executive summary of that survey has shown 100% of the businesses surveyed said they have not been consulted, not by anyone. 72.2% of the businesses surveyed said the prison will bring a negative impact to their business. 27.7%, the remaining percent, of the businesses surveyed said they were neutral and unsure the impact a prison would have on their business simply because they have not been consulted. 0% of the business surveyed said it would have a positive impact on their business.

Response by Jonathan Harmey, Acting General Manager

I don't believe Council were aware that you were undertaking that task but they certainly are now and I will provide that through to the State Government and would expect that they should do some follow-up actions on that.

3.16 Dennis O'Donnell, Westbury

Mayor Wayne Johnston, how come you couldn't look us in the eyes and tell the truth instead of looking away. I was told by someone that has known you since you were a child and he informed me about this and he wasn't bullshitting.

Response by Mayor Wayne Johnston

I have met with landowners and concerned residents and looked across the table at them and quite happy to do that now. Please give him my telephone number and I am quite happy to meet anyone that has raised this issue with me.

3.17 Peter Wileman, Westbury

I ran a business on William Street for 10 years and I know the difficulty involved with the signage. We fought with a gentleman, a really good beauracrat, it took us 5 years to get this sign (shown) to get people to accept that the Post Office was a service that tourists might be interested in, not just businesses, and eventually 5 years later we got it accepted. It took us 3 years to get a sign on the intersection saying William Street, so I do understand the difficulty of getting signs changed. What I don't understand is why all of a sudden since this prison suggestion came up

everything has changed from village centre, historical village and now your signs are saying town. Is there a reason for this?

Response by Mayor Wayne Johnston

Both signs you are indicating are on a State Government road and signs.

- a) With the bbq that Rotary got in touch with you by letter asking for permission or suggesting they put a bbq on the Village Green and that was denied. There was an approach made to the Heritage Council in relation to the bbq but I have been in touch with the Heritage Council and there has been no contact with the Heritage Council. Regarding the prison that is quite clearly seen from two major roads that go past the village and in the report from Paul Davies in 2006 on the heritage values of Westbury he quotes "that Westbury forms part of one of the finest cultural rural and town landscapes in Australia. The Council has a statutory responsibility to protect that town and rural landscape", so you can't seriously be proposing a 6m high wall with razor wire on the top in clear view of the village.

Response by Jonathan Harmey, Acting General Manager

In response to your question why Council would support/build a 6m high wall, Council won't b. We expect that the State Government will include that sort of detail in the Planning Application to come before Council as it is a State Government project.

The heritage aspects that you identified don't form part of our Planning Scheme. However, something that the community values and something that Council as a whole values and something we are interested in retaining going forward.

- b) I fully understand that you are not building the prison but you could withdraw the EOI immediately and end this.

Response by Jonathan Harmey, Acting General Manager

No Council cannot withdraw the EOI as that is between the landowner and the State Government and if they were to negotiate a contract of purchase, Council is not a party to that and won't have any say in the purchase of the land.

3.18 Ann-Marie Loader, Westbury

I would like to be assured by Council that we will know the scope and methodology of any socio-economic study that is put in with support of this prison, and the reason for this was is because the State Government has been saying that they have been consulting with business and they clearly haven't. I am very, very concerned that any report that they put up in fancy word documents to you is just not based on true fact, because the fact on the ground, as Liza deLatour's survey shows, is that businesses have not been consulted and yet the Government is saying they have, so if they give you a document and say they have done all this stuff are you going to make sure that it is robust, true and transparent.

Response by Mayor Wayne Johnston

Yes we will. Senior Strategic Planner Jo Oliver has already advised that Government what we expect if they put forward a proposal.

The meeting adjourned at 5.08pm

The meeting resumed at 5.15pm

196/2019 COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – OCTOBER 2019

Nil

2. COUNCILLOR QUESTIONS WITH NOTICE – NOVEMBER 2019

Nil

3. COUNCILLOR QUESTIONS WITHOUT NOTICE – NOVEMBER 2019

3.1 Cr John Temple

- a) Is Council as yet aware of who will produce the social impact study on behalf of the State Government relating to Westbury for the proposed prison?

Response by Jo Oliver, Senior Strategic Planner

My understanding is that it's SGS Economics. I am not sure if they will be sub-contracting on social impact but they are certainly economic specialists. They are a very large firm and I would be expecting they will have social impact specialists on staff as well.

Response by Jonathan Harmey, Acting General Manager

Council have requested some of those details and are yet to be provided by the State Government, so Council formally hasn't received that advice.

- b) Is Council as yet aware of who will produce the economic impact study on behalf of the State Government relating to Westbury for the proposed prison?

Response by Jonathan Harmey, Acting General Manager

Council have requested some of those details and are yet to be provided by the State Government, so Council formally hasn't received that advice.

- c) Is Council as yet aware of the methodology that will be used to produce the State Government's social impact study relating to Westbury for the proposed prison?

Response by Jonathan Harmey, Acting General Manager

Council have requested some of those details and are yet to be provided by the State Government, so Council formally hasn't received that advice.

- d) Is Council as yet aware of the methodology that will be used to produce the State Government's economic impact study relating to Westbury for the proposed prison?

Response by Jonathan Harmey, Acting General Manager

Council have requested some of those details and are yet to be provided by the State Government, so Council formally hasn't received that advice.

- e) Is Council as yet aware of the scope of the State Government's social impact study relating to Westbury for the proposed prison?

Response by Jonathan Harmey, Acting General Manager

Council have requested some of those details and are yet to be provided by the State Government, so Council formally hasn't received that advice.

- f) Is Council as yet aware of the scope of the State Government's economic impact study relating to Westbury for the proposed prison?

Response by Jonathan Harmey, Acting General Manager

Council have requested some of those details and are yet to be provided by the State Government, so Council formally hasn't received that advice.

- g) Is Council as yet aware of the names of any towns that will be used as case studies for the State Government's economic impact study relating to Westbury for the proposed prison?

Response by Jonathan Harmey, Acting General Manager

The State Government has case references on their Northern Prison website but whether they form part of any of their reporting and information that comes to Council we are not aware. We don't know if they have direct reference points and we certainly haven't been advised if they do. All of that information is publicly available.

- h) Will Council hire an independent consultant/s to assess the social and economic benefits and dis-benefits to Westbury that may result from the proposed prison before it considers any application from the State Government?

Response by Jonathan Harmey, Acting General Manager

I believe that question was asked and answered in the Council Meeting agenda by Anne Marie Loader and that Council is yet to determine its course of action depending on when and what form any development application they provide to us is, Council will determine the best course of action to make sure that

there is a fully informed decision for the elected members and also for the community.

i) The timeframe for that to happen?

Response by Jonathan Harmey, Acting General Manager

We are not aware of a time-frame yet but we have advised the State Government that we expect those sort of reports to come to Council in advance so that we can make sure the information is distributed to the community members that are concerned.

197/2019 DEPUTATIONS BY MEMBERS OF THE PUBLIC

Nil

PLANNING AUTHORITY ITEMS 1 & 2

For the purposes of considering the following Planning Authority items, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

The following are applicable to all Planning Authority reports:

Strategic/Annual Plan Conformance

Council has a target under the Annual Plan to assess applications within statutory timeframes.

Policy Implications

Not applicable.

Legislation

Council must process and determine the application in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA) and its Planning Scheme. The application is made in accordance with Section 57 of LUPAA.

Risk Management

Risk is managed by the inclusion of appropriate conditions on the planning permit.

Financial Impact

If the application is subject to an appeal to the Resource Management Planning and Appeal Tribunal, Council may be subject to the cost associated with defending its decision.

Alternative Options

Council can either approve the application with amended conditions or refuse the application.

Voting Requirements

Simple Majority

198/2019 189 EMU BAY ROAD, DELORAINE

The Mayor invited Mr Phil Wagenknecht of 191A Emu Bay Road, Deloraine, to address Council regarding concerns about PA\20\0020 and fully support the recommendations proposed:

- Minimum set down of 400mm to a maximum RSL of 103.2
- The removal of the privacy screen and the reduction in visual impact of the units 3 and 4
- Allowance of fence extension to 2100mm
- Preference for a single residence development but understand as owners and occupier's, development will always continue to take place.
- Please give consideration in supporting the Town Planner's amendments to this planning application.

Planning Application: PA\20\0020

Proposal: Subdivision (2 Lots), Multiple Dwellings (4 Units), retaining walls and demolition of outbuildings

Author: Natasha Whiteley
Town Planner

1) Recommendation

It is recommended that the application for Use and Development for Subdivision (2 Lots), Multiple Dwellings (4 Units), retaining walls & demolition of outbuildings, on land located at 189 Emu Bay Road, Deloraine (CT: 27198/1), by Woolcott Surveys, be APPROVED, generally in accordance with the endorsed plans:

- a) Woolcott Surveys; Date: 05/09/19; Job No.: L190413; Sheet: 1.**
- b) Prime Design; Project/Drawing no: PD19069.**
- c) Rebecca Green & Associates; Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan; Date: 10 August 2019; Job no: RGA-B1203; Pages: 1-26.**

and subject to the following conditions:

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**

- a) **Such covenants or controls are expressly authorised by the terms of this permit; or**
 - b) **Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
 - c) **Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**
2. **A cash payment of \$2,932, as an amount equal to 5% of the land value for the newly created lot, is to be paid to Council in lieu of public open space.**
 3. **The finished floor level of units 3 and 4 must be amended to a maximum 103.2AHD with the retaining wall for unit 4 no greater than 1.0m in height from natural ground level.**
 4. **All visitor car parking spaces must be clearly identified by physically delineating the spaces, such as line marking or incidental signage.**
 5. **Prior to the commencement of subdivision works the following must be submitted to the satisfaction of Council's Director Infrastructure Services:**
 - a) **Detailed engineering design documentation prepared by a suitably qualified civil engineer or other person approved by Council's Director Infrastructure Services. The designs must incorporate the following:**
 - i) **Kerb and channelling from the intersection of Emu Bay Road to the eastern boundary of Lot 2 including pavement widening to provide for an 8 metre sealed pavement width overall;**
 - ii) **Driveway crossovers designed in accordance with LGAT Standard Drawings TSD-R09-V1, including driveway width of 4.5m for the first 7m of the driveway from the road carriageway for Lot 2;**
 - iii) **Stormwater drains from existing Council infrastructure to the eastern boundary of Lot 2 (refer Note 2).**
 6. **Prior to the sealing of the Final Plan of Survey the following must be completed to the satisfaction of Council:**

- a) **Payment of the public open space contribution in accordance with Condition 2.**
 - b) **All infrastructure works as detailed and approved on the engineering documentation in accordance with Condition 5 a) to the satisfaction of Council's Director Infrastructure Services.**
- 7. Prior to the commencement of work for the multiple dwellings amended plans are to be submitted to the satisfaction of Council's Town Planner showing:**
- a) **Finished floor level and retaining wall in accordance with Condition 3.**
 - b) **Driveway crossover to Lot 2 widened to provide a minimum width of 4.5m for the first 7m of driveway from the road carriageway (refer Note 1).**
- 8. Prior to the commencement of use for the multiple dwellings the following must be completed to the satisfaction of Council's Town Planner:**
- a) **Visitor parking clearly delineated in accordance with Condition 4.**
- 9. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2019/01033-MVC) attached.**

Note:

1. Prior to any construction being undertaken in the road reserve, separate approval is required by the Road Authority through the engineering design approval process. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.
2. Stormwater detention is required for this development. Please see attached letter regarding the provision of detention and the requirements of Council acting as the Stormwater Authority in accordance with the *Urban Drainage Act 2013*.
3. Meander Valley Council Policy Number 20 provides guidelines for Council to consider contributions toward the cost to develop infrastructure adjacent subdivisions. In this instance Council can give consideration to contribution toward kerb and channel and pavement widening work. This will be subject to Council approval as part of future budget approval

processes. Council will make contribution to the cost of new stormwater from the eastern side of the crossover to Lot 2 to the eastern boundary to Lot 2 in accordance with S.11 of the Urban Drainage Act. Please Contact Council's Infrastructure Department on 6393 5312 to discuss.

4. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au
5. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals (including demolition of outbuildings) may be required before construction commences:
 - a) Building/Demolition approval
 - b) Plumbing approval

All enquiries should be directed to Council's Permit Authority on 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.

6. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
7. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
8. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
9. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced.

An extension may be granted if a request is received.

10. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
11. If any Aboriginal relics are uncovered during works:
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr Cameron moved and Cr Nott seconded ***“that the application for Use and Development for Subdivision (2 Lots), Multiple Dwellings (4 Units), retaining walls & demolition of outbuildings, on land located at 189 Emu Bay Road, Deloraine (CT: 27198/1), by Woolcott Surveys, be APPROVED, generally in accordance with the endorsed plans:***

- a) **Woolcott Surveys; Date: 05/09/19; Job No.: L190413; Sheet: 1.**
- b) **Prime Design; Project/Drawing no: PD19069.**
- c) **Rebecca Green & Associates; Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan; Date: 10 August 2019; Job no: RGA-B1203; Pages: 1-26.**

and subject to the following conditions:

1. **Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:**
 - a) **Such covenants or controls are expressly authorised by the terms of this permit; or**
 - b) **Such covenants or similar controls are expressly authorised by the consent in writing of Council.**

- c) **Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.**
- 2. A cash payment of \$2,932, as an amount equal to 5% of the land value for the newly created lot, is to be paid to Council in lieu of public open space.**
- 3. The finished floor level of units 3 and 4 must be amended to a maximum 103.2AHD with the retaining wall for unit 4 no greater than 1.0m in height from natural ground level.**
- 4. All visitor car parking spaces must be clearly identified by physically delineating the spaces, such as line marking or incidental signage.**
- 5. Prior to the commencement of subdivision works the following must be submitted to the satisfaction of Council's Director Infrastructure Services:**
 - a) Detailed engineering design documentation prepared by a suitably qualified civil engineer or other person approved by Council's Director Infrastructure Services. The designs must incorporate the following:**
 - i) Kerb and channelling from the intersection of Emu Bay Road to the eastern boundary of Lot 2 including pavement widening to provide for an 8 metre sealed pavement width overall;**
 - ii) Driveway crossovers designed in accordance with LGAT Standard Drawings TSD-R09-V1, including driveway width of 4.5m for the first 7m of the driveway from the road carriageway for Lot 2;**
 - iii) Stormwater drains from existing Council infrastructure to the eastern boundary of Lot 2 (refer Note 2).**
- 6. Prior to the sealing of the Final Plan of Survey the following must be completed to the satisfaction of Council:**
 - a) Payment of the public open space contribution in accordance with Condition 2.**
 - b) All infrastructure works as detailed and approved on the engineering documentation in accordance with Condition 5 a) to the satisfaction of Council's Director Infrastructure Services.**

7. **Prior to the commencement of work for the multiple dwellings amended plans are to be submitted to the satisfaction of Council's Town Planner showing:**
 - a) **Finished floor level and retaining wall in accordance with Condition 3.**
 - b) **Driveway crossover to Lot 2 widened to provide a minimum width of 4.5m for the first 7m of driveway from the road carriageway (refer Note 1).**

8. **Prior to the commencement of use for the multiple dwellings the following must be completed to the satisfaction of Council's Town Planner:**
 - a) **Visitor parking clearly delineated in accordance with Condition 4.**

9. **The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2019/01033-MVC) attached.**

Note:

1. Prior to any construction being undertaken in the road reserve, separate approval is required by the Road Authority through the engineering design approval process. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.

2. Stormwater detention is required for this development. Please see attached letter regarding the provision of detention and the requirements of Council acting as the Stormwater Authority in accordance with the *Urban Drainage Act 2013*.

3. Meander Valley Council Policy Number 20 provides guidelines for Council to consider contributions toward the cost to develop infrastructure adjacent subdivisions. In this instance Council can give consideration to contribution toward kerb and channel and pavement widening work. This will be subject to Council approval as part of future budget approval processes. Council will make contribution to the cost of new stormwater from the eastern side of the crossover to Lot 2 to the eastern boundary to Lot 2 in accordance with S.11 of the Urban Drainage Act. Please Contact Council's Infrastructure Department on 6393 5312 to discuss.

4. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au
5. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals (including demolition of outbuildings) may be required before construction commences:
 - a) Building/Demolition approval
 - b) Plumbing approval

All enquiries should be directed to Council's Permit Authority on 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.

6. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.
7. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
8. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
9. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.
10. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

11. If any Aboriginal relics are uncovered during works:
- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c) The relevant approval processes will apply with state and federal government agencies.

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

199/2019 7 MOUNT LESLIE ROAD, PROSPECT VALE

Planning Application: PA\20\0074

Proposal: Multiple dwellings (additional unit)

Author: Leanne Rabjohns
Town Planner

1) Recommendation

It is recommended that the application for Use and Development for Multiple dwellings (additional unit), on land located at 7 Mount Leslie Road, Prospect Vale CT 74993/3, by Prime Design, be APPROVED, generally in accordance with the endorsed plans:

- a) **Prime Design – Project Number: PD19218 – Drawing Number: 01, 02, 03, 04, 05, 06, U1-01, U1-02, U1-03, U1-04, U2-01, U2-02, U2-03, U2-04 & U2-05;**

and subject to the following conditions:

- 1. Unit 1's parking spaces are to be line marked or otherwise clearly delineated to the satisfaction of Council's Town Planner.**
- 2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2019/01436-MVC-MVC attached).**

Note:

1. Stormwater detention is required for this development. Please see attached letter regarding the provision of detention and the requirements of Council acting as the Stormwater Authority in accordance with the *Urban Drainage Act 2013*.
2. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.

3. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:

- a) Building approval
- b) Plumbing approval

All enquiries should be directed to Council's Permit Authority on 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.

4. This permit takes effect after:

- a) The 14 day appeal period expires; or
- b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
- c) Any other required approvals under this or any other Act are granted.

5. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.

6. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

7. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.

8. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

9. If any Aboriginal relics are uncovered during works:

- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
- b) The presence of a relic is to be reported to Aboriginal Heritage

Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and

- c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr Nott moved and Cr Sherriff seconded ***“that the application for Use and Development for Multiple dwellings (additional unit), on land located at 7 Mount Leslie Road, Prospect Vale CT 74993/3, by Prime Design, be APPROVED, generally in accordance with the endorsed plans:***

- a) **Prime Design – Project Number: PD19218 – Drawing Number: 01, 02, 03, 04, 05, 06, U1-01, U1-02, U1-03, U1-04, U2-01, U2-02, U2-03, U2-04 & U2-05;**

and subject to the following conditions:

- 1. Unit 1’s parking spaces are to be line marked or otherwise clearly delineated to the satisfaction of Council’s Town Planner.**
- 2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2019/01436-MVC-MVC attached).**

Note:

1. Stormwater detention is required for this development. Please see attached letter regarding the provision of detention and the requirements of Council acting as the Stormwater Authority in accordance with the *Urban Drainage Act 2013*.
2. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council’s Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.

3. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:

- a) Building approval
- b) Plumbing approval

All enquiries should be directed to Council's Permit Authority on 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.

4. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.

5. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au.

6. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

7. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.

8. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

9. If any Aboriginal relics are uncovered during works:
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and

- c) The relevant approval processes will apply with state and federal government agencies.

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

PLANNING AUTHORITY ITEM 3

For the purposes of considering the Planning Authority items following, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

The following are applicable to this report.

2) Strategic/Annual Plan Conformance

Council has a target under the Annual Plan to assess applications within statutory timeframes.

3) Policy Implications

Not Applicable

4) Legislation

Council must process and determine the application in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA) and its Planning Scheme. The application is made in accordance with Section 33 and 43A of LUPAA.

5) Risk Management

Risk is managed by the inclusion of appropriate conditions on the planning permit.

6) Financial Impact

Not applicable.

7) Alternative Options

Council can either initiate the draft amendment and approve the application with conditions or refuse to initiate the amendment.

8) Voting Requirements

Simple Majority

200/2019 67 MEANDER VALLEY ROAD, WESTBURY

Planning Application: Amendment 1/2019
PA\20\0063

Proposal: Planning Scheme Amendment:
Insert Resource Processing as a discretionary use in the Urban Mixed Use Zone for a distillery, including ancillary cellar door sales and café at 67 Meander Valley Road, Westbury.

Use and Development:
Change of use to Resource Processing
Extensions to an existing building, car parking and access works.

Author: Jo Oliver
Senior Strategic Planner

1) Recommendation

- Pursuant to Sections 33(3) and 34(1)(b) of the former provisions of the Land Use Planning and Approvals Act 1993, the following modified draft amendment to the Meander Valley Interim Planning Scheme 2013 is initiated and in accordance with Section 35, is certified as being in accordance with Sections 300 and 32 of the Act:**

Insert Resource Processing as a discretionary use into the Urban Mixed Use Zone – 15.2 Use Table with a qualification as follows:

Discretionary	
Use Class	Qualification
Resource Processing	If for a distillery on CT43423/1

- Pursuant to Section 43C. of the former provisions of the Land Use Planning and Approvals Act 1993 and the Meander Valley Interim Planning Scheme 2013, approve the application for Use and Development for Resource Processing (Distillery) on land located at 67 Meander Valley Road, Westbury (CT:43423/1) generally in accordance with the endorsed plans:**

a) Pitt & Sherry – Report to Support a Request to Amend a Planning Scheme and Propose a Development, 19 September 2019, Rev 01 (ref: LN19236L001 Rep 31P Rev011/IA/rb)

and subject to the following conditions:

- 1. A screening fence, to a minimum height of 1.8 metres above the finished floor level of the deck, is to be constructed on the western boundary from the southern-most extent of the deck to the northern most extent, to the satisfaction of Council’s Town Planner.**
- 2. The disabled parking bay is to be relocated to the western side of the car park and is to have an associated pedestrian pathway, delineated from the car parking surface material, that meets the ramp entrance, to the satisfaction of Council’s Town Planner.**
- 3. Prior to the commencement of works, the detailed design of the ground sign is to be submitted to the satisfaction of Council’s Town Planner.**

Notes:

1. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council’s Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.
2. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.
3. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
4. If any Aboriginal relics are uncovered during works:
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email:

- aboriginal@heritage.tas.gov.au); and
- c) The relevant approval processes will apply with state and federal government agencies.

DECISION:

Cr King moved and Cr Sherriff seconded ***“that***

- 1. Pursuant to Sections 33(3) and 34(1)(b) of the former provisions of the Land Use Planning and Approvals Act 1993, the following modified draft amendment to the Meander Valley Interim Planning Scheme 2013 is initiated and in accordance with Section 35, is certified as being in accordance with Sections 300 and 32 of the Act:***

Insert Resource Processing as a discretionary use into the Urban Mixed Use Zone – 15.2 Use Table with a qualification as follows:

<i>Discretionary</i>	
<i>Use Class</i>	<i>Qualification</i>
<i>Resource Processing</i>	<i>If for a distillery on CT43423/1</i>

- 2. Pursuant to Section 43C. of the former provisions of the Land Use Planning and Approvals Act 1993 and the Meander Valley Interim Planning Scheme 2013, approve the application for Use and Development for Resource Processing (Distillery) on land located at 67 Meander Valley Road, Westbury (CT:43423/1) generally in accordance with the endorsed plans:***

- a) Pitt & Sherry – Report to Support a Request to Amend a Planning Scheme and Propose a Development, 19 September 2019, Rev 01 (ref: LN19236L001 Rep 31P Rev011/IA/rb)***

and subject to the following conditions:

- 1. A screening fence, to a minimum height of 1.8 metres above the finished floor level of the deck, is to be constructed on the western boundary from the southern-most extent of the deck to the northern most extent, to the satisfaction of Council’s Town Planner.***

- 2. The disabled parking bay is to be relocated to the western side of the car park and is to have an associated pedestrian pathway, delineated from the car parking surface material, that meets the ramp entrance, to the satisfaction of Council's Town Planner.**
- 3. Prior to the commencement of works, the detailed design of the ground sign is to be submitted to the satisfaction of Council's Town Planner.**

Notes:

- 1. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.**
- 2. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.**
- 3. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.**
- 4. If any Aboriginal relics are uncovered during works:**
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,**
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au); and**
 - c) The relevant approval processes will apply with state and federal government agencies.**

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

Cr Sherriff left the meeting at 5.32pm

**201/2019 REQUEST FOR SIGNAGE – MEANDER VALLEY
NETBALL ASSOCIATION & DELORAINE DEVILS
NETBALL CLUB**

1) Recommendation

It is recommended that Council approve:

- 1. The proposal from Meander Valley Netball Association and affiliate Deloraine Devils Netball Club for sponsorship signage on the storage shed and fence line at Deloraine Community Complex outdoor Netball courts subject to meeting planning permit requirements***
- 2. Rejection of the proposal for advertising signage on the external wall of Deloraine Community Complex.***

DECISION:

Cr Nott moved and Cr Cameron seconded ***“that Council approve:***

- 1. The proposal from Meander Valley Netball Association and affiliate Deloraine Devils Netball Club for sponsorship signage on the storage shed and fence line at Deloraine Community Complex outdoor Netball courts subject to meeting planning permit requirements***
- 2. Rejection of the proposal for advertising signage on the external wall of Deloraine Community Complex.***

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Synfield and Temple voting for the motion.

Cr Sherriff returned to the meeting at 5.34pm

202/2019 COUNCIL AUDIT PANEL RECEIPT OF MINUTES

1) Recommendation

It is recommended that Council receive the minutes of the Council Audit Panel meeting held on 22 October 2019 as follows:

DECISION:

Cr King moved and Cr Nott seconded ***“that Council receive the minutes of the Council Audit Panel meeting held on 22 October 2019 as follows:***

Meeting Time & Date: 10am 22 October 2019	Venue: Meander Valley Council – Council Chambers
Present:	
Chairman Steve Hernyk	Councillor Susie Bower
Mr Chris Lyaal	Councillor Frank Nott
In Attendance:	
Jon Harmey, Acting General Manager	Sam Bailey, Risk & Safety Officer
Justin Marshall, Acting Director Corporate Services	Susan Ellston, Finance Officer
Lynette While, Director Community & Development Services	By phone conference from Tasmanian Audit Office: Jessica Leonard, Manager Financial Audit Services
Dino De Paoli, Director Infrastructure Services	
Apologies:	
Matthew Millwood, Director Works	

ORDER OF BUSINESS

13. & 16. Teleconference with Tasmanian Audit Office

The Panel had a teleconference with Jessica Leonard from the Tasmanian Audit Office (TAO). Jessica gave an overview of the Audit of the Financial Report for the year ended 30 June 2019 and thanked all those assisted leading to smooth and good audit. Jessica thanked those involved with their patience given resourcing issues at TAO during the process. No high risk audit findings were identified; however one moderate risk was identified. No instances of non-compliance with applicable laws and regulations were observed that would have an impact on the financial report. The Chair acknowledged the excellent results and congratulated the Director Corporate Services and the Senior Accountant for an exceptional preparation. The chair offered a private session with Jessica however it was not required.

ITEM	
1.	Declaration of Pecuniary Interests/conflict of interest Nil.
2.	Adoption of Previous Minutes It was resolved that the minutes of the meeting held on 25 June 2019 be received and confirmed.
3.	Outstanding from previous meeting - Action Sheet None
4.	Review Annual Meeting Schedule and Work Plan No Matters for discussion.
Governance and Strategy	
5.	Review Annual Plan The Report was Received and Noted.

6. Review Strategic Asset Management Plan

Review of SAMP taken place and the following updates were reached:-

Asset value, financial details - 10 year service delivery cost, available budget and budget shortfall figures all updated.

Asset Management Definitions - added definitions from AM Policy

What Assets do we have? - Updated table 2.2 – asset category and dimensions

Asset Values - Updated Table 2.3.1: Asset class, replacement cost, current value, annual depreciation

Lifecycle Costs - Updated table 2.3.3 – asset life cycle costs

Key Assumptions made in Financial Forecasts - Updated Table 6.4: Key Assumptions made in AM Plan and Risks of Change

Improvement Program - Updated Table 7.2: Improvement Plan – including:- SAMP improvement Plan and Individual AMP Improvement plan but only for Current Actions

Finalised plan to be distributed to Panel

Verbal report Received and Noted.

7. Review Asset Management Plans

Review of AMP taken place and the following updates were reached:-

Updated Asset value, cost to deliver, budget available for service delivery and budget shortfall.

Updated table 2.1 – asset category, costs and dimensions

Current Levels of Service - Updated community and technical levels of service tables

Asset valuations - Updated asset replacement cost, asset depreciable amount, depreciated replacement cost, annual depreciation

Updated asset consumption %, asset renewal %, annual upgrade/expansion % (for both capital expansion and contributed assets)

Financial sustainability in service delivery - Updated for the following time frames - the cost to deliver services, budget available for service delivery and budget short fall

- Long term - Life Cycle Cost
- Updated – Medium term – 10 year financial planning period
- Updated - Short Term – 5 year financial planning period

Key Assumptions made in Financial Forecasts - Updated assumptions

Improvement Plan - Updated improvement plan

Finalised plans to be distributed to Panel

Verbal report Received and Noted.

8. Review Asset Management Policy

Reviewed document against 2015 IPWEA Australian Infrastructure Management Manual definitions and 2018 NAMS.PLUS Policy template.

Minor changes made to bring context up to contemporary terminology.

New & Gifted Assets Policy - Changes included:

- Remove definitions
- Included reference to risk
- Minor wording change (proposed projects list now Forward Works Program)
- Included reference to assisting in consultation with the community

Finalised policy to be distributed to Panel

Verbal report Received and Noted.

<p>9. Review policies and procedures The following Policies were reviewed –</p> <p>No 86 – Industrial Development Incentive Policy was presented at the October 2019 Council meeting with a recommendation that Council confirms the continuation of Policy 86. Recommended to Council for adoption.</p> <p>No 14 – Fencing Council Land Only minor changes noted as part of the review. Recommended to Council for adoption.</p>
<p>10. Assessment of governance and operating processes integration with financial management practices of the Council Discussions regarding the integration of the Governance regime into Council were put to the panel. It was discussed that more internal audits were necessary to address any non-conformance issues and identify any improvements. While this is not possible with the current resources available it was strongly suggested that additional resourcing be made available to address the issues and achieve best practices for integrating Governance into Council.</p> <p>The Panel confirmed that integration had improved over the past few years and was appropriately occurring at the moment</p> <p>Verbal report Received and Noted.</p>
<p>Financial and Management Reporting</p>
<p>11. Review most current results and report any relevant findings to Council Councillor Bower questioned the expiry date of the Loans and other Receivables (note 19 – 2019 Financial Statements). Acting General Manager advised approximate dates but will confirm and supply dates directly to Cr Bower.</p> <p>The Capital Works Program update (September 2019) and the Financial Reports (August 2019) were Received and Noted.</p>
<p>12. Review any business unit or special financial reports Verbally advised that the Road to Recovery funding project has been signed off and now awaiting for new process for funding to begin again.</p>
<p>13. Review annual financial report, audit report and management representation letter (for advice to GM) and make recommendation to Council including meeting with Tasmania Audit representative. Refer to meeting commencement.</p>
<p>Internal Audit</p>
<p>14. Consider any available audit reports Three internal audits have commenced but not fully completed:</p> <ul style="list-style-type: none"> • Infrastructure – Contractor Management • People working with vulnerable people checks / registrations • Contractor Systems – Adams Tree Services & Walters Contracting <p>Audit outcomes to be distributed on completion before next Panel meeting</p> <p>Verbal report received and Noted – Documents to follow.</p>

15. Review management's implementation of audit recommendations Verbal report Received and Noted – Documents to follow.
External Audit
16. Consider any available audit reports Refer to meeting commencement.
17. Consider any performance audit reports that will be undertaken by the Tasmanian Audit Office and address implications for the Council Report from Tasmanian Audit Office regarding procurement in Local Government. It was noted that the clause 'extenuating circumstances' should apply in truly exceptional circumstances and more clarity could be improved with a definition within the LGA or LGR. The Reports were Received and Noted.
Risk Management and Compliance
18. Monitor ethical standards and any related transactions to determine the systems of control are adequate and review how ethical and lawful behaviour and culture is promoted within the Council This year Council have included a question in all employees Personal Review documentation to indicate if there may be a conflict of interest with the employee having a relationship with any organisation or club in the municipality. Along with a question, also included in the review, that asks employees if they have a second job this is making employees outside interests and additional employment more transparent for Council. Verbal update Received and Noted.
19. Review processes to manage insurable risks and existing insurance cover Process completed for insurance renewals with Marsh, JLT, MAV and LGAT. New policies are in place with underwriters for 2019-2020. Council continues to self-insure for Cyber cover. While Council has some cover in place through the Industrial Special Risk policy, it has been decided not to take separate cover at this point. Council has installed New security software and continue to monitor and update the Councils firewall system. Received and Noted.
20. Monitor any major claims or lawsuits by or against the Council and complaints against the Council Timberworld vs Meander Valley Council – Planning appeal. Appealed to Supreme Court and awaiting a hearing date to be notified by the Registrar. Meander Valley Council vs Alida Maria Beerepoot and ors - Disputing non-payment of rates for religious reasons. Hearing date is set for 15 October 2019. Received and Noted.
21. Oversee the investigation of any instances of suspected cases of fraud or other illegal and unethical behaviour No Matters to Report.
Other Business
No matters

Meeting close

This meeting closed at 11:36am

Next Meeting

The next meeting to be held on Tuesday 17 December 2019 at 10:00 am

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

203/2019 DIVESTMENT OF COUNCIL PROPERTIES

1) Recommendation

It is recommended that Council proceed with divestment under Section 177 of the Local Government Act 1993 and approve the General Manager to enter into contracts of sale for the following properties:

- 1) 6-8 Emu Bay Road, Deloraine (CT:162910/1)***
- 2) 333 Westbury Road, Prospect Vale (CT:143357/1)***

DECISION:

Cr King moved and Cr Bower seconded ***“that Council proceed with divestment under Section 177 of the Local Government Act 1993 and approve the General Manager to enter into contracts of sale for the following properties:***

- 1) 6-8 Emu Bay Road, Deloraine (CT:162910/1)***
- 2) 333 Westbury Road, Prospect Vale (CT:143357/1)***

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

204/2019 POLICY REVIEW NO.14 FENCING – COUNCIL OWNED LAND

1) Recommendation

It is recommended that Council confirms the continuation of Policy No.14 Fencing – Council Owned Land with amendments as follows:

POLICY MANUAL

Policy Number: 14	Fencing – Council owned land
Purpose:	To outline the circumstances in which Council will share the cost of boundary fences with other property owners.
Department:	Infrastructure Services
Author:	Dino De Paoli, Director
Council Meeting Date:	10 November 2015 12 November 2019
Minute Number:	450/2015 x/2019
Next Review Date:	November 2019 November 2023

POLICY

1. Definitions

Nil.

2. Objective

To ensure the sharing of costs of boundary fencing between Council owned land and adjoining private land is in accordance with legislation. ~~outline the circumstances in which Council will share the cost of boundary fences with other property owners.~~

3. Scope

This policy applies to the Council, its employees and any land owner adjacent to Council owned land.

4. Policy

Council will share the cost of fencing boundaries between private and Council owned land in accordance with the Boundary Fences Act 1908. ~~Theis Aact~~ exempts Council from making a contribution where Council owned land is a roadway (which includes a public highway, street, right-of-way, whether the right-of-way is a vehicle access, horse-way or foot-way), un-occupied land, a reserve or public place.

Situations where Council is not exempt and is required to share in the cost of a sufficient boundary fence include ~~where a property adjoins a Council owned~~:

- ~~Where a property adjoins a Council owned~~ House or building where these are the dominant use on the title; ~~or a~~
- Commercial or security area e.g. Council depot.

Property owners intending to replace or erect new boundary fences shall notify Council's Development Services Department to determine if a permit is required for the works.

For the purposes of this Policy a sufficient boundary fence to Council owned land is a 1.8 metre high treated pine lapped paling fence with steel posts set in concrete.

5. Legislation

The policy conforms ~~with~~ to the Tasmanian Boundary Fences Act 1908.

6. Responsibility

Responsibility for the operation of this policy rests with the Director Infrastructure Services.

DECISION:

Cr Cameron moved and Cr Nott seconded ***“that Council confirms the continuation of Policy No.14 Fencing – Council Owned Land with amendments as follows:***

POLICY MANUAL

Policy Number: 14

Fencing – Council owned land

Purpose:

To outline the circumstances in which Council will share the cost of boundary fences with other property owners.

Department:

Infrastructure Services

Author:

Dino De Paoli, Director

Council Meeting Date:

12 November 2019

Minute Number:

204/2019

Next Review Date:

November 2023

POLICY

1. Definitions

Nil.

2. Objective

To ensure the sharing of costs of boundary fencing between Council owned land and adjoining private land is in accordance with legislation.

3. Scope

This policy applies to the Council, its employees and any land owner adjacent to Council owned land.

4. Policy

Council will share the cost of fencing boundaries between private and Council owned land in accordance with the Boundary Fences Act 1908. The Act exempts Council from making a contribution where Council owned land is a roadway (which includes a public highway, street, right-of-way, whether the right-of-way is a vehicle access, horse-way or foot-way), un-occupied land, a reserve or public place.

Situations where Council is not exempt and is required to share in the cost of a sufficient boundary fence include where a property adjoins a Council owned:

- House or building where these are the dominant use on the title;
- Commercial or security area e.g. Council depot.

Property owners intending to replace or erect new boundary fences shall notify Council's Development Services Department to determine if a permit is required for the works.

For the purposes of this Policy a sufficient boundary fence to Council owned land is a 1.8 metre high treated pine lapped paling fence with steel posts set in concrete.

5. Legislation

The policy conforms to the Tasmanian Boundary Fences Act 1908.

6. Responsibility

Responsibility for the operation of this policy rests with the Director Infrastructure Services.

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

205/2019 REVIEW OF BUDGETS FOR THE 2019-20 CAPITAL WORKS PROGRAM

1) Recommendation

It is recommended that Council approves the following project budget changes to the 2019-20 Capital Works Program:

Project Name	Current Budget	Proposed Budget Variation	Revised Budget
<i>Beveridges Lane Road Pavement Reconstruction</i>	\$120,000	-\$120,000	\$0
<i>Weegen Road Pavement Reconstruction</i>	\$0	\$120,000	\$120,000
<i>Bluff Creek Bridge Reconstruction - Bogan Road</i>	\$22,400	-\$22,000	\$400
<i>Deloraine Pump Track</i>	\$0	\$20,000	\$20,000
<i>Limestone Creek Bridge Reconstruction - Walters Road</i>	\$200,000	-\$14,000	\$186,000
<i>Deloraine Community Complex - Netball Courts</i>	\$14,300	\$14,000	\$28,300

DECISION:

Cr Bower moved and Cr Nott seconded ***“that Council approves the following project budget changes to the 2019-20 Capital Works Program:***

Project Name	Current Budget	Proposed Budget Variation	Revised Budget
<i>Beveridges Lane Road Pavement Reconstruction</i>	\$120,000	-\$120,000	\$0
<i>Weegen Road Pavement Reconstruction</i>	\$0	\$120,000	\$120,000
<i>Bluff Creek Bridge Reconstruction - Bogan Road</i>	\$22,400	-\$22,000	\$400

<i>Deloraine Pump Track</i>	<i>\$0</i>	<i>\$20,000</i>	<i>\$20,000</i>
<i>Limestone Creek Bridge Reconstruction - Walters Road</i>	<i>\$200,000</i>	<i>-\$14,000</i>	<i>\$186,000</i>
<i>Deloraine Community Complex - Netball Courts</i>	<i>\$14,300</i>	<i>\$14,000</i>	<i>\$28,300</i>

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

The Council meeting adjourned at 5.42pm

The Council meeting resumed at 5.47pm

ITEMS FOR CLOSED SECTION OF THE MEETING:

Councillor Nott moved and Councillor Temple seconded ***“that pursuant to Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public to discuss the following items.”***

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

Council moved to Closed Session at 5.47pm

206/2019 CONFIRMATION OF MINUTES

(Reference Part 2 Regulation 34(2) Local Government (Meeting Procedures) Regulations 2015)

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 8 October, 2019.

207/2019 LEAVE OF ABSENCE

(Reference Part 2 Regulation 15(2)(h) Local Government (Meeting Procedures) Regulations 2015)

208/2019 LAND PURCHASE FOR COUNCIL DEPOT DEVELOPMENT

(Reference Part 2, Section 15(2)(f) Local Government (Meeting Procedures) Regulations 2015)

Council returned to Open Session at 6.08pm

Cr Synfield moved and Cr Sherriff seconded "***that the following decision taken by Council in Closed Session is to be released for the public's information -***

that Council approve the General Manager to complete a contract of sale for land for the purpose to locate a new Works Depot and Dog Pound."

The motion was declared CARRIED with Councillors Bower, Cameron, Johnston, King, Nott, Sherriff, Synfield and Temple voting for the motion.

The meeting closed at 6.10pm

.....
Wayne Johnston
Mayor